

UNITED STATES DISTRICT COURT

MAY - 1 2014 CLR

for the

Southern

United States of America
v.

Francisco Javier LOZANO-GOMEZ

Case No. 5:14mj627-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/25/2014 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section


Sec. 841 (a) (1) and 846

Offense Description

Knowingly and unlawfully possess with
the intent to distribute a controlled
substance, listed under Schedule II of
the Controlled Substance Act, to wit;
approximately 11 kilograms of cocaine.

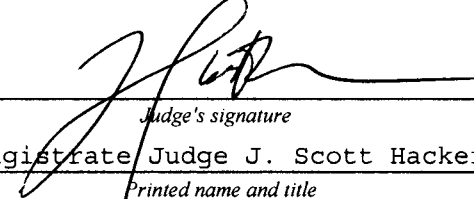
This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet.
Complainant's signature
Special Agent Joseph Osborne

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/1/2014City and state: Laredo, Texas
Judge's signature
U.S. Magistrate Judge J. Scott Hacker
Printed name and title

On April 25, 2014, at approximately 10:30 a.m., a black Ford Explorer approached the U.S. Border Patrol (USBP) IH-35 Checkpoint, located north of Laredo, Texas. As a USBP Agent conducted an immigration inspection of the passengers of the vehicle, who were identified as Margarita MORENO-MONTES, Francisco Javier LOZANO-GOMEZ, and their juvenile daughter, a USBP K-9 alerted to the presence of contraband and/or concealed people in the vehicle. The USBP Agent conducting the immigration inspection asked if there was anything illegal in the vehicle, and the driver, MORENO-MONTES, became noticeably nervous, but stated to the USBP Agent, "We don't have anything." The USBP Agent then sent the vehicle to the secondary inspection area. Once at the secondary inspection area, the black Ford Explorer was inspected and a hidden aftermarket compartment was located within the intake manifold in the engine of the vehicle. When the plastic covering was lifted off the intake manifold, there appeared to be bundles wrapped in black tape inside that were marked with neon numeric paper placards. When USBP Agents took the intake manifold apart, they found a total of 20 bundles of cocaine weighing approximately 11 kilograms.

MORENO-MONTES and LOZANO-GOMEZ were advised of their Miranda Rights and both agreed to answer questions. MORENO-MONTES stated to DEA Agents that she was driving to San Antonio, Texas for a family trip with her husband, LOZANO-GOMEZ, and her daughter, both who were passengers in the vehicle. She stated that she was driving the vehicle because her husband had consumed a large amount of alcohol the night before. MORENO-MONTES stated she had no knowledge of the cocaine that was found in her vehicle.

When LOZANO-GOMEZ was first interviewed by DEA Agents, he insisted that he had no knowledge that anything illegal was in the vehicle, and that he was only traveling to San Antonio, Texas, for a family trip. However, as the interview continued, LOZANO-GOMEZ stated that he did know that he was transporting something illegal in the vehicle, and that it was probably narcotics. LOZANO-GOMEZ stated that while in Mexico, he received a call from a private number that directed him to pick up the black Ford Explorer and to drive it to Houston, Texas. LOZANO-GOMEZ stated that he was paid \$6000 dollars to transport the vehicle. In addition, LOZANO-GOMEZ stated that while he was dropping his family off in San Antonio, Texas for a family trip, he also had his wife and daughter in the vehicle to lessen suspicion of law enforcement.

LOZANO-GOMEZ was placed under arrest and charged with knowingly and unlawfully conspiring to possess with the intent to distribute a controlled substance, listed under Schedule II of the Controlled Substance Act, to wit; approximately 11 kilograms of cocaine.